

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

**DOCKETED**

1. UNITED STATES OF AMERICA,

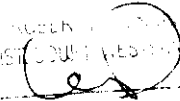
Plaintiff,

vs.

Case No: CIV 03-371 L

1. MICHAEL H. HARRISON,  
a/k/a Michael Howard Harrison,
2. SUCCESSORS OF  
ALTHEA DENISE HARRISON, Deceased,
3. CITY OF OKLAHOMA CITY, *et al.*,  
Neighborhood Services Division,
4. STATE OF OKLAHOMA, *ex rel.*,  
Oklahoma Department of Human Services,
5. STATE OF OKLAHOMA, *ex rel.*,  
Oklahoma Tax Commission,
6. OKLAHOMA COUNTY TREASURER,
7. BOARD OF COUNTY COMMISSIONERS  
OF OKLAHOMA COUNTY,

Defendants.

**FILED**  
SEP 23 2003  
U.S. DISTRICT COURT - WESTERN DISTRICT OF OKLAHOMA  
BY  CLERK

---

**FORECLOSURE JUDGMENT**

---

The Court finds:

1. Service of process was made on Defendants more than twenty (20) days prior to this date.
2. That Defendants: City of Oklahoma City, *et al.*, Neighborhood Services Division; Oklahoma County Treasurer; and Board of County Commissioners of Oklahoma County have appropriate answers to Plaintiff's Complaint on file with this Court.
3. That Defendants: State of Oklahoma, *ex rel.*, Oklahoma Tax Commission have appropriately filed documents with this Court disclaiming any and all interest in the

instant matter.

4. That Defendants: Michael H. Harrison; Successors of Althea Denise Harrison, Deceased; State of Oklahoma, *ex rel.*, Oklahoma Department of Human Services; having failed to answer or respond within the proper time period, are hereby deemed to be in default.
5. That Defendants: Successors of Alethea Denise Harrison, Deceased, were deemed to be an Absent Defendant. An Order allowing publication and notice for the Absent Defendant to appear and defend was entered by this Court on June 30, 2003. Publication, as set for in 28 U.S.C. §1655, was published for six (6) weeks from July 26, 2003 to August 30, 2003. As such, the Defendants: Successors of Alethea Denise Harrison, Deceased have failed to answer or respond within the proper time period and are hereby deemed to be in default.
6. Plaintiff has filed its declaration pursuant to the Soldiers' and Sailors' Relief Act of 1940. The possibility of impairing any rights of Defendants: Michael Howard Harrison & Althea D. Harrison, under the Act is remote, and judgment should be entered by Order of this Court.
7. The allegations of the Complaint are true, and there is due and owing to Plaintiff from Michael Howard Harrison & Althea D. Harrison on the note and mortgage the sum of \$58,097.25, as of October 31, 2002, together with accrued interest at 4¼% per annum, until judgment, and interest thereafter at the rate allowed by law, until paid; and costs.

8. Plaintiff's mortgage is a valid first lien upon the following real property, located in Oklahoma County, to wit:

Part of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Two (2), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, more particularly described as follows, to wit: BEGINNING at the Northwest (NW) Corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Two (2); Thence South 985.12 feet; Thence East 683.26 feet as a Point of Beginning; Thence East 303.63 feet; Thence South 305 feet; Thence West 303.93 feet; Thence North 305 feet to the Point of Beginning, Oklahoma County, Oklahoma

9. The right, title or interest of all Defendants in the real property described above is junior and inferior to the first lien of Plaintiff, except for unpaid real property taxes of Oklahoma County; and/or special assessments given priority by law, if any. The rights of any junior lien claimants to any excess funds remaining after sale and distribution pursuant to the order, if any, shall be determined upon further hearing and notice to all parties.
10. Plaintiff's note and mortgage is in default and the real property described above should be foreclosed.
11. The original promissory note was executed between the note Defendants: Michael Howard Harrison and Althea D. Harrison, husband and wife, and the financial institution of: BancPLUS Mortgage Corp. However, this financial institution transferred, assigned, and conveyed its interest in the said note(s) and mortgage(s) to: Independence One Mtg. Corp.; who then transferred, assigned and conveyed their

interest to: Greystone Servicing Corporation; who then transferred, assigned and conveyed their interest to the Secretary of Veterans Affairs, *et al.* (See transfer documents attached hereto as Exhibit "C", incorporated herein and made a part hereof.)

12. The United States of America, *ex rel*, Internal Revenue Service, claims an interest in the property that is the subject of this action. The interest shall be deemed extinguished **as to this property** at the time of sale should the property fail to yield amounts in excess of the debt of the United States of America, *ex rel*, Veteran's Affairs Agency.
13. The note parties, Michael Harrison and Aletha Harrison, filed a Chapter 7 Bankruptcy and have been discharged by Order of the Court, for the Western District of Oklahoma, entered on July 6, 1990, closed: July 18, 1990, under case number 90-01951 LN, therefore this action proceeds IN REM only.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED:

I. That Plaintiff have an ***IN REM ONLY*** judgment of foreclosure, for the sum of \$58,097.25, as of October 31, 2002, together with interest at 4¾% per annum, until judgment and interest thereafter at the rate allowed by law, until paid; and costs.

II. That special execution and order of sale issue directing the U.S. Marshal to levy upon, appraise, advertise and sell the real property described above, free of any right, title or interest of all Defendants, except unpaid real property taxes of Oklahoma County, and/or special assessments given priority by law, if any, and that the proceeds of the sale be paid as follows:

- a. The costs of the sale, including unpaid real property taxes of

Oklahoma County, and/or special assessments given priority by law, if any;

- b. The unpaid maintenance costs to the real property assessed by the City of Oklahoma City, *et al.*, Neighborhood Services Division;
- c. The foreclosure judgment of the Plaintiff above; and,
- d. The remainder into the Registry of this Court to await further order of the Court concerning the priority of the junior lienholders.

III. Upon confirmation of the Marshal's sale, all Defendants and all persons claiming by, through or under them, are barred, foreclosed and enjoined from asserting any right, title or interest in the real property described above.

IV. That this foreclosure judgment be entered.



**Honorable Tim Leonard**  
United States District Judge

Entered in Judgment docket

SEP 23 2003

APPROVED:

ROBERT G. McCAMPBELL  
United States Attorney



KAY SEWELL  
Assistant U.S. Attorney  
210 Park Ave., Suite 400  
Oklahoma City, OK 73102  
(405) 553-8807 ♦ Fax: 553-8885

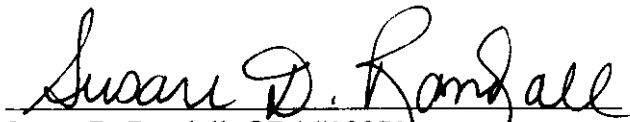
***Journal Entry Original Signatures for:***

USA v. Michael Howard Harrison & Althea D. Harrison, *et al.*

Case No: CIV 03-371 L

**ATTORNEY FOR DEFENDANT(S):**

City of Oklahoma City, *et al.*, Neighborhood Services Division

A handwritten signature in cursive script that reads "Susan D. Randall". The signature is written in black ink and is positioned above a horizontal line.

Susan D. Randall, OBA#12971

Assistant Municipal Counselor

200 North Walker, Suite 400

Oklahoma City, OK 73102

(405) 297-2451 / F: 297-2118

***Journal Entry Original Signatures for:***

USA v. Michael Howard Harrison & Althea D. Harrison, *et al.*

Case No: CIV 03-371 L

**ATTORNEY FOR DEFENDANT(S):**

Oklahoma County Treasurer, and

Board of County Commissioners of Oklahoma County



---

Gretchen A. Crawford, OBA #14651

Assistant District Attorney

505 County Office Building

Oklahoma County, OK 73102

(405) 713-1600